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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,628	10/26/2001	Richard Foltak	M-11646-1C US	6807

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NEURAUTER, GEORGE C	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,628	FOLTAK ET AL.	
	Examiner	Art Unit	
	George C. Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 16-25* is/are rejected.

7)☒ Claim(s) *14 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-25 are currently presented and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 September 2006 has been entered.

Response to Arguments

The Applicant argues that the combined teachings of "RFC 2866" and the Applicant's admitted prior art do not teach or suggest creating a unique session identifier in a manner that prevents more than one of a plurality of network access servers from creating the same unique session identifier. The Examiner is not persuaded by these remarks and maintains the views previously presented. As shown previously, both "RFC 2866" and the Applicant's admitted prior art ("AAPA") discloses that the network access servers are able to create a session identifier and AAPA specifically discloses that it is possible is distinguish between network access servers based a unique

network access server identifier. These disclosures would have reasonably suggested to one of ordinary skill in the art that if the NASes can create a session identifier that is to be used by an AAA module and that the AAA module is known to be able to determine which session identifier comes from which NAS based on a unique identifier associated with each NAS, it would have been possible to create a unique session identifier that would also allow the AAA module to distinguish between sessions in the same manner as has been admitted by the Applicant. One of ordinary skill in the art would readily recognize that creating a unique session identifier so that each NAS is not able to create the same unique identifier would have been obvious since if a NAS created the same session identifier, the session identifiers would no longer be unique. Since the claims do not specifically recite how such unique session identifiers are unique in any respect and do not specifically recite how the AAA module uses such a unique session identifier in any such manner that would require the session identifiers to be unique in order to operate the invention in a different manner other than for the AAA module to distinguish between network access servers as reasonably suggested within the combined teachings of these references, which the Examiner also notes is not specifically recited, one of ordinary skill in the art would have found it

obvious to create unique session identifiers so that each session identifier is sufficiently unique in order for the AAA module to determine which session identifier is associated with a specific NAS. Therefore, it would have been obvious to achieve the invention as currently claimed and the claimed subject matter is not considered to be patentably distinct from the cited references. The rejection is therefore MAINTAINED.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 21-25 recites a computer program product encoded in computer readable media. In one of the embodiments of such computer readable media, the specification discloses that "Additionally, applications may be in the form of electronic signals modulated in accordance with the application and data communication technology when accessed via network modem or interface." (page 4) Computer readable media such as carrier waves are not currently considered to be statutory subject matter since a signal encoded with functional descriptive

material does not fall under any of the four statutory classes. See ANNEX IV "Computer-Related Nonstatutory Subject Matter", section (c) "Electro-Magnetic Signals" of the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", released 22 November 2005 in the Official Gazette ("Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101... These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.") The claims must be amended in order to remove the signal embodiment as a potential computer readable medium within the scope of the claim and to overcome this rejection under 35 USC 101. It is suggested by the Examiner that the medium be amended to recite a non-signal medium such as a "computer readable storage medium", which will overcome the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

> the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-13 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "RFC 2866" in view of Applicant's admitted prior art ("AAPA").

Regarding claim 1, "RFC 2866" discloses a method for maintaining a unique session ID in a network, comprising:

creating a unique session identifier for a user, wherein the unique session identifier is created by one of a plurality of network access servers ("Acct-Session-ID"; page 3, section 1.2 "Terminology", specifically "session"; page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will generate an Accounting Start Packet..."; page 15, section 5.5 "Acct-Session-ID", specifically "An Accounting-Request packet MUST have an Acct-Session-ID"); and providing the unique session identifier to an Authenication, Authorization, and Accounting (AAA) module wherein a network access server is configured to request AAA processing from the AAA module ("RADIUS Accounting Server"). (page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will generate an Accounting Start Packet...and will send that to the RADIUS Accounting server...")

"RFC 2866" does not expressly disclose wherein the unique session identifier is created in a manner that prevents more

than one of the network access servers from creating a same unique session identifier and wherein each of the network access servers provide the identifier to an AAA module and request AAA procession from the AAA module, however, AAPA does disclose wherein a session identifier is created by a plurality of network access servers and wherein each of the network access servers provide the identifier to an AAA module and request AAA procession from the AAA module and that it is possible is distinguish between network access servers based a unique network access server identifier (page 10 of the specification, specifically "Accordingly, it is possible for the AAA server 30a to receive n session id values, where each of the n session id values corresponds to a different NAS 28 but is the same number. The AAA server 30a can easily handle this condition because the AAA server 30a associates each session id value with the corresponding NAS 28 based upon a unique NAS address for each NAS. Because each of these duplicative session id's is coming from a different NAS address, the AAA Server 30a can distinguish between the NAS'S 28a-28n when managing the sessions involved.")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since the Applicant admits that the undisclosed subject matter that is not taught in "RFC 2866" is

taught by the prior art. Therefore, it would have been within the knowledge of one of ordinary skill in the art to combine these teachings since one of ordinary skill would have been motivated to use the knowledge generally available to those of ordinary skill to use the knowledge since both references are directed to creating session identifiers by network access servers and requesting AAA processing by an AAA module.

It further would have been obvious to modify the teachings of these combined references wherein a unique session identifier is created in a manner that prevents more than one of the network access servers from creating a same unique session identifier since, in view of the combined teachings of these references, the AAA server is able to distinguish network access servers by use of a unique identifier and, in the event that a duplicate session identifier is used by the same network access server, the AAA server would still be able to distinguish between the network access servers and their respective sessions. Therefore, these teachings and suggestions would have suggested to one of ordinary skill in the art that if the AAA server can both distinguish between the sessions of one network access server and also the sessions of a plurality of network access servers and their respective sessions, the AAA server would also be able to distinguish between sessions that contain

a session identifier that would be unique to both the network access servers and their sessions and to create a unique session identifier that prevents more than one network access server from creating a same unique session identifier for the purposes of distinguishing between sessions and also a plurality of network access servers would have involved only routine skill in the art.

Regarding claim 2, "RFC 2866" discloses the method recited in Claim 1.

"RFC 2866" does not expressly disclose wherein creating a unique session identifier further comprises appending a unique identifier to a local session identifier, wherein the one of the network access servers generates the unique session identifier, however, "RFC 2866" does disclose a unique session identifier associated with an access server ("NAS-IP-Address"). ("Acct-Session-ID"; page 3, section 1.2 "Terminology", specifically "session"; page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will generate an Accounting Start Packet..."; page 15, section 5.5 "Acct-Session-ID", specifically "An Accounting-Request packet MUST have an Acct-Session-ID").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to append a unique

identifier associated with an access server to a local session identifier since "RFC 2866" suggests that any sort of method of generating a unique session identifier may be used (page 16, section 5.5 "Acct-Session-ID", specifically "Other encodings are possible"). AAPA discloses that both the AAA server and the NAS are aware of a unique identifier such as the NAS address and a local session identifier such as a Session ID. The generation by a NAS of a unique session identifier by appending a unique identifier such as the NAS address to a local session identifier such as the session ID or a port as noted previously by the Examiner would have been obvious to one of ordinary skill in the art since the NAS is aware of these identifiers and, since the prior art teaches that the NAS provides a session ID to the AAA server, appending a known identifier to another known identifier in order to produce a unique session identifier would have been obvious to one of ordinary skill in the art.

Therefore, one of ordinary skill would have found it obvious to append a local session identifier to a unique identifier to create a unique session identifier as claimed given the teachings and suggestions of "RFC 2866" and the knowledge of one of ordinary skill in the art as admitted by the Applicant.

Regarding claim 3, "RFC 2866" and AAPA disclose the method recited in Claim 2.

"RFC 2866" discloses wherein the unique identifier is an IP address of the one of the network access servers. ("NAS-IP-Address")

Regarding claim 4, "RFC 2866" and AAPA disclose the method recited in Claim 1.

"RFC 2866" discloses the method further comprising providing the unique session identifier to an off-load server ("forwarding server"). (pages 4 and 5, section 2.3, "Proxy", specifically "1. The NAS sends an accounting-request to the forwarding server"; pages 15-16, section 5.5, "Acct-Session-Id", specifically "An Accounting-Request packet MUST have an Acct-Session-Id")

Regarding claim 5, "RFC 2866" and AAPA disclose the method recited in Claim 1.

"RFC 2866" does not expressly disclose wherein creating a unique session identifier further comprises creating a unique session identifier for the plurality of network access servers, however, "RFC 2866" does disclose wherein a unique identifier is used for each of a plurality of network access servers ("NAS-IP-Address").

AAPA does expressly disclose wherein a session identifier is created by a plurality of network access servers (page 10 of the specification, specifically "Accordingly, it is possible for the AAA server 30a to receive n session id values, where each of the n session id values corresponds to a different NAS 28 but is the same number. The AAA server 30a can easily handle this condition because the AAA server 30a associates each session id value with the corresponding NAS 28 based upon a unique NAS address for each NAS. Because each of these duplicative session id's is coming from a different NAS address, the AAA Server 30a can distinguish between the NAS'S 28a-28n when managing the sessions involved.")

Claim 5 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 5.

Regarding claim 6, "RFC 2866" discloses a system, comprising:

a network access server ("NAS" or, alternatively "client") wherein the network access server is configured to generate a unique session identifier for a user; ("Acct-Session-ID"; page 3, section 1.2 "Terminology", specifically "session"; page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will generate an Accounting Start Packet..."; page 15, section

5.5 "Acct-Session-ID", specifically "An Accounting-Request packet MUST have an Acct-Session-ID")

wherein the network access server is configured to provide the unique session identifier to an AAA module; and wherein the AAA module performs AAA processing for each of the plurality of network access servers. (page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will generate an Accounting Start Packet...and will send that to the RADIUS Accounting server...")

"RFC 2866" does not expressly disclose a plurality of network access servers wherein the unique session identifier is created in a manner that prevents more than one of the network access servers from creating a same unique session identifier and wherein each of the network access servers provide the identifier to an AAA module and request AAA procession from the AAA module, however, AAPA does disclose wherein a session identifier is created by a plurality of network access servers and wherein each of the network access servers provide the identifier to an AAA module and request AAA procession from the AAA module and that it is possible is distinguish between network access servers based a unique network access server identifier (page 10 of the specification, specifically

"Accordingly, it is possible for the AAA server 30a to receive n session id values, where each of the n session id values corresponds to a different NAS 28 but is the same number. The AAA server 30a can easily handle this condition because the AAA server 30a associates each session id value with the corresponding NAS 28 based upon a unique NAS address for each NAS. Because each of these duplicative session id's is coming from a different NAS address, the AAA Server 30a can distinguish between the NAS'S 28a-28n when managing the sessions involved.")

Claim 6 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 6.

Regarding claim 7, "RFC 2866" discloses the system recited in Claim 6, wherein the network access server is associated with an IP address. ("NAS-IP-Address")

"RFC 2866" does not expressly disclose wherein and the unique session identifier comprises the IP address.

Claim 7 is rejected since the motivations regarding the obviousness of claim 2 also apply to claim 7.

Regarding claim 8, "RFC 2866" and AAPA disclose the system recited in Claim 6.

"RFC 2866" discloses the system further comprising: the plurality of network access servers; wherein each of the plurality of network access servers is configured to generate a

unique session identifier; ("Acct-Session-ID"; page 3, section 1.2 "Terminology", specifically "session"; page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will generate an Accounting Start Packet..."; page 15, section 5.5 "Acct-Session-ID", specifically "An Accounting-Request packet MUST have an Acct-Session-ID")

Regarding claim 9, "RFC 2866" and AAPA disclose the system recited in Claim 6.

"RFC 2866" discloses the system further comprising an off-load server ("forwarding server"), the off-load server being coupled to receive the unique session identifier from the network access server. (pages 4 and 5, section 2.3, "Proxy", specifically "1. The NAS sends an accounting-request to the forwarding server"; pages 15-16, section 5.5, "Acct-Session-Id", specifically "An Accounting-Request packet MUST have an Acct-Session-Id")

Regarding claim 10, "RFC 2866" and AAPA disclose the system recited in Claim 9.

"RFC 2866" discloses wherein the off-load server is configured to provide the unique session identifier to the AAA module. (pages 4 and 5, section 2.3, "Proxy", specifically "2.

The forwarding server...forwards the request to the remote server")

Regarding claim 11, "RFC 2866" and AAPA disclose the system recited in Claim 9.

"RFC 2866" discloses wherein the off-load server is configured to provide the unique session identifier to the AAA module, and the AAA module is configured to perform port counting. (pages 4 and 5, section 2.3, "Proxy", specifically "2. The forwarding server...forwards the request to the remote server")

Regarding claim 12, "RFC 2866" and AAPA disclose the system recited in Claim 6.

"RFC 2866" discloses the system further comprising the AAA module, the AAA module being further configured to receive the unique session identifier from the network access server. (page 4, section 2 "Operation", specifically "When a client is configured to use RADIUS Accounting, at the start of service delivery it will generate an Accounting Start Packet...and will send that to the RADIUS Accounting server...")

Regarding claim 13, "RFC 2866" discloses the system recited in Claim 6.

"RFC 2866" does not expressly disclose wherein the network access server is further configured to generate the unique

session identifier by appending an IP address of the network access server to a local session identifier, however, "RFC 2866" does disclose a IP address associated with an access server ("NAS-IP-Address").

Claim 13 is rejected since the motivations regarding the obviousness of claim 2 also apply to claim 13.

Claims 16 and 18-19 are also rejected since claims 16 and 18-19 recite an apparatus that contains substantially the same limitations as recited in claims 1 and 3-4 respectively.

Claims 17 and 20 are also rejected since claims 17 and 20 recite an apparatus that contains substantially the same limitations as recited in claims 2 and 5 respectively.

Claims 21 and 23-24 are also rejected since claims 21 and 23-24 recite a computer program product that contains substantially the same limitations as recited in claims 1 and 3-4 respectively.

Claims 22 and 25 are also rejected since claims 22 and 25 recite a computer program product that contains substantially the same limitations as recited in claims 2 and 5 respectively.

Allowable Subject Matter

Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

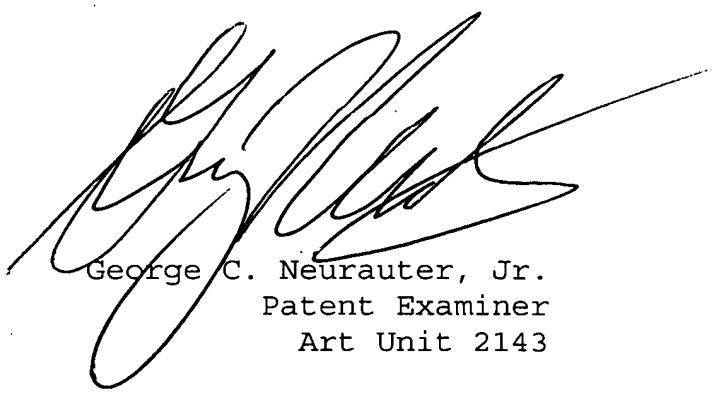
claim and any intervening claims. The prior art of record does not teach or reasonable suggest wherein an offload server configured to establish a network connection between the communication equipment operated by a user and a server operated by a network service provider generates a stop or start record and provides the record to an AAA module.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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